

12.115 HANDLING WILD/EXOTIC ANIMALS, PIT BULLS, DANGEROUS DOGS, VICIOUS DOGS, AND ANIMAL REPORTS

References:

Cincinnati Municipal Code 701-1 - Animals, Birds, Fowl
 Procedure 12.550 - Discharging of Firearms by Police Personnel
 Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release
 Standards Manual - 2.1.2, 82.2.1

Definitions:

A pit bull by City ordinance is defined as a vicious dog.

A "vicious dog" is any dog which: without provocation, has inflicted severe injury on a person **or** has been trained for dog fighting **or** is kept primarily or in part for the purpose of dog fighting **or** is a dog commonly defined as a pit bull **or** has been used in the commission of a crime.

A "dangerous dog" is any dog which has without provocation while off its owner's or harborer's premises, caused an individual to reasonably believe the dog will cause physical harm to a person **or** a propensity or disposition to unprovoked attack or cause injury to humans or domestic animals off its owner's or harborer's premises.

"Severe injury" is any physical injury to a human being that results in a broken bone or muscle tear requiring corrective or cosmetic surgery **or** resulting in hospitalization **or** any injury to a child under the age of six years of age requiring treatment by a licensed physician.

A wild or potentially dangerous animal is one which is wild by nature and not customarily domesticated in the City of Cincinnati and which, because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property.

Purpose:

To ensure the citizens of the community an environment where the quality of life is not threatened by uncontrolled dangerous or vicious dogs, while protecting the individual rights of dog owners.

To establish a procedure in handling wild/exotic animals, vicious dogs, dangerous dogs and animal reports to ensure the protection of the public and follow-up by the Board of Health.

Policy:

Division members will exhaust every reasonable means before using firearms to dispose of vicious dogs, dangerous dogs or wild and potentially dangerous animals as defined in Cincinnati Municipal Code Sections 701-1-D1, 701-1-V or 701-42. Use of the firearm should always involve consideration for the safety of bystanders.

Procedure:**A. Registration of Vicious Dogs/Pit Bulls:**

1. Division desk personnel will complete a Form 15D, Vicious Dog/Pit Bull Registration and a 15DE, Vicious Dog/Pit Bull Registration Envelope when a citizen responds to the district to register a vicious dog/pit bull. The completing officer is responsible for accurate recording of the required information on the Forms 15D and 15DE.
 - a. The citizen registering the dog will be given the bottom copy of the Form 15D upon completion of the registration process.
 - b. The completed Form 15D and the required documentation provided by the person registering the dog will be placed inside the Form 15DE. The completed packet will be hand carried to the Records Section by 0900 hours the following day.

- 1) Records Section Personnel will send the information contained in the completed packet to Information Technology Management Section (ITMS). ITMS will place the information on the Intranet, which can be accessed by Division personnel.

B. Process for the Investigation of Vicious Dogs/Pit Bulls Complaints:

1. Contact the SPCA for identification of a pit bull.
 - a. The SPCA has final authority on identification of a pit bull.
2. Verify if the dog has been registered with the Division.
3. Cite the owner or harbinger of a vicious dog/pit bull if in violation using CMC sections 701-5, 701-6, 701-7, 701-8 or 701-14 depending on the nature of the complaint.
4. The SPCA will board unregistered vicious dogs/pit bulls prior to court hearings.
 - a. Arrange for transportation of vicious dogs/pit bulls by contacting the SPCA.
 - b. Officers will receive a kennel tag number from the SPCA representative. The SPCA kennel tag number must be written on the Notice to Appear (NTA - Form 314).
 - c. Officers will inform the owner or harbinger of a vicious dog/pit bull that failure to appear in court may result in forfeiture of the pit bull. The officer **must** place the following statement on the citation, "**Failure to appear on this citation may result in forfeiture of the animal(s) confiscated.**"
 - 1) Cite to court on the fifth court date from the date of the citation.

5. Take three photographs of the officer with the vicious dog/pit bull whenever possible, otherwise take three photographs of the vicious dog/pit bull by itself.
 - a. Attempt to include the entire body of the dog in each of the photographs.
 - b. Distribute photographs as follows:
 - 1) One to the SPCA.
 - 2) One to the Court Property Unit.
 - 3) One for the police officer's record.
6. Complete a Property Receipt, Form 330 for the vicious dog/pit bull.
 - a. The SPCA should receive the yellow copy of the Form 330 and a photograph prior to leaving the scene. The SPCA will not take possession of a vicious dog/pit bull without a completed Form 330.
 - b. Forward the remaining copies of the Form 330, a photograph of the vicious dog/pit bull, and a copy of the Form 314 to the Court Property Unit.
 - c. Once the Form 330 is completed, the officer will comply with Procedure 12.715, Property and Evidence: Accountability, Processing, Storage, and Release.
 - 1) Court Property Unit must perform a bimonthly audit of animals held at the SPCA for the Police Division to ensure they are disposed of upon completion of court proceedings.
 - 2) Individuals who are awarded the return of their vicious dog/pit bull through the court will have 72 hours to pick up their dog(s) from the SPCA. Failure to respond will result in the forfeiture of the vicious dog/pit bull.

C. Officer Tactics When Confronted by Vicious/Dangerous Dogs:

1. When confronting a vicious dog or dangerous dog which threatens bodily injury to the officer or the citizenry:
 - a. Exhaust all reasonable means to confine the dog.
 - b. Notify the SPCA to pick up the dog.
 - c. The use of division issued chemical irritant is effective on many animals.
 - d. When use of the firearm is absolutely necessary, do not shoot the dog in the head.
 - 1) Once the firearm is discharged, the officer will comply with Procedure 12.550, Discharging of Firearms by Police Personnel.
 - a) Obtain the name and address of the owner or harbinger of the dog.
 - b) Obtain the name and address of any witness to the incident.
 - c) Notify the SPCA to pick up the dead dog pending a later examination by the Board of Health.
 - d) Complete a Minor Accident or Aided Case Report, Form 316 as indicated in Section B.2. of this procedure if applicable.

D. Dog Bite Cases:

1. Arrange for immediate medical attention.
2. Complete a Minor Accident or Aided Case Report, Form 316.
 - a. Include complete information on the victim, including telephone number.

- b. Complete the name, address, telephone number, and other pertinent information on the owner or harbinger of the dog.
 - c. Provide a description of the animal, serial number, or inoculation tag, certificate information, microchip number or tattoo number if applicable.
 - d. Instruct the owner or harbinger to confine the dog for a 10-day period of observation and not to have the dog inoculated until after the 10-day observation period. Indicate on the Form 316 this was done.
 - e. In the event the dog is a stray or unidentified, mark the Form 316 "Incomplete." Fill out as much information as possible.
 - 1) If the dog is located, attempt to contain it. Notify the SPCA to respond and pick up the dog for the Board of Health examination.
 - a) Notify the Board of Health of the capture. Indicate same on the Form 316.
3. The reporting officer will issue a Form 314 citation (NTA) for a violation of CMC section 701-1-V to the owner or harbinger of the dog following any bite which results in a severe injury as defined in CMC Section 701-1-S.
- a. Officers will not confiscate the dog unless the dog is a vicious dog as defined and has not been registered with the Police Division.
4. The reporting unit will notify the Board of Health by telephone with all information. If the incident occurs after the Board of Health's normal working hours, the reporting unit will fax the Form 316. The fax number is 352-1435. Indicate on the Form 316 the method of notification (e.g., telephone, fax).

- a. Forward the original Form 316 to the Board of Health through inter-departmental mail.
- b. File a copy of the Form 316 at the district.
- c. If necessary, after completing their investigation, the Board of Health will sign affidavits for an inoculation violation.

- 1) Dogs under three months of age need not be inoculated.

- 5. Report cat bites the same as dog bites.
- 6. Report wild animal bites the same as dog bites. If captured, hold for the SPCA.

E. Unlicensed Dogs:

- 1. Officers have the discretionary authority to issue a "Warning Citation" to the owner of an unlicensed dog.
 - a. Dogs under 3 months of age or owned less than 30 days do not require a license.
 - b. A dog license is valid from January 1st of the current year to January 30th of the following year.
- 2. The SPCA has provided the Police Division with "Dog License Violation Warning Citations" for "Fail To File Application For Registration Of Dog."
 - a. When a warning citation is issued, the violator is given the back (pink) copy of the three part carbonless form.
 - b. The original top (white) copy of the warning is to be forwarded to the SPCA weekly by the District Collator.
 - c. The middle (yellow) copy is to be retained at the District where the violation occurred.

3. The SPCA will follow-up on all warning citations issued to ensure the owner has purchased a current license. The SPCA will assess a fine on dog owners who fail to obtain a valid license.

F. Investigating Wild or Exotic Animal Complaints:

1. When encountering a wild or exotic animal, request a supervisor respond to the scene.
 - a. The responding supervisor will ensure he has a shotgun and rifled slugs before responding to the scene.
 - 1) When use of the firearm is absolutely necessary (animal poses immediate threat to safety of the community), the weapon of choice for large animals is the shotgun with rifled slugs.
 - b. The responding supervisor will immediately notify the Safety Director's Office of the encounter, decision to take possession of the animal, and taking of the animal during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. During weekend or non-office hours, the Safety Director's Office will be notified at the beginning of the following work day by the responding supervisor or district commander.
2. Notify the SPCA. The SPCA has the necessary equipment and resources to capture wild or exotic animals.
3. Once the firearm is discharged, the officer will comply with Procedure 12.550.
 - a. Obtain the name and address of the owner or harbinger of the animal.
 - b. Obtain the name and address of any witness to the incident.
 - c. Photograph the animal before removal for possible court proceedings.

4. If the owner of the animal is present when investigating a complaint, obtain the owner's consent to enter the premises.
 - a. If the owner refuses and there is probable cause to believe a wild or exotic animal is on the premises, obtain a search warrant to enter the premises and confiscate the animal.
 - b. Notify the SPCA and have them respond when serving a search warrant. They have the necessary equipment to capture the animal.
 - 1) Advise the owner or harbinger the animal may have to be tranquilized with a dart gun.
 - c. If the owner voluntarily gives up the animal and wishes to transfer it to the SPCA's cage at the scene, advise the owner of the possibility of using lethal force against the animal if control is lost.
 - 1) The SPCA must approve transfer of a non-tranquilized animal.
5. Once captured, photograph the animal for court proceedings.
6. When citing the owner or harbinger, use CMC 701-42.

G. Dead Animals:

1. When a citizen reports a dog or other animal has been killed in traffic or found dead, the officer will notify the Board of Health to ascertain if this animal is wanted for any previous incident involving a dog or animal bite.
2. If the animal is not wanted by the Board of Health, notify Sanitation Division to pick up the remains.
 - a. Sanitation Division alerts the Board of Health when they have been previously alerted to a particular animal wanted for examination in a dog or other animal bite incident.